

**Village of Irvington
Zoning Board of Appeals**

Minutes of Meeting held May 20, 2003

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M. on Tuesday, May 20, 2003, in the Village Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman
Paul M. Giddins
Robert Bronnes
Bruce Clark
George Rowe

Mr. Lustenberger acted as Chairman and Mr. Giddins as Secretary of the meeting.

The minutes of the April 22, 2003 meeting were approved.

There were four new matters on the agenda:

Case No.

2003-14 Craig Ritchie – 16 North Eckar Street (Sheet 5, Block 211; Lot 24A2)

The Applicant appeared.

The Applicants filed a letter from the Village Administrator confirming that, on April 21, 2003, the Mayor and the Trustees approved the Applicants' request for a waiver

from the Interim Development Law of the Village of Irvington 2003 (building moratorium) so as to permit the within application for a variance to be heard.

In lieu of the verified statement of compliance with the notice provisions of § 224-98(A) of the Irvington Zoning Ordinance (the “Code”), the Applicant filed the applicable proofs of service.

The Applicant sought a variance from the provisions of §§ 224-11 (side yard setbacks) and 224-13 (coverage) to permit the construction of stairs and a deck at the rear entrance to the applicant’s building.

The Board reviewed drawings submitted by the Applicant and discussed the extent and nature of the variances requested. It was noted that there was one board member who had not had the opportunity to view the property. The meeting was therefore adjourned to allow the board members to view the property prior to rendering a decision on the application.

2003-15 Paul Schaefer – 7 Langdon Avenue (Sheet 15, Block 119G)

The Applicant appeared with his architect Andrew Tesoro.

The Applicants filed a letter from the Village Administrator confirming that, on April 21, 2003, the Mayor and the Trustees approved the Applicants’ request for a waiver from the Interim Development Law of the Village of Irvington 2003 (building moratorium) so as to permit the within application for a variance to be heard.

The Applicant sought a variance from the provisions of § 224-89 (existing non-conforming lot), to permit the construction of a second story to the applicant’s house.

The Board reviewed drawings submitted by the Applicant and noted that neither the proposed second story nor the proposed addition to the rear of the house would exceed the Code's set back and coverage limitations. The Board further noted that the application seeks a variance only because the lot's size is less than the minimum required in a IF 40 District. The changes to the house do not affect that non-conformity.

After weighing the applicable factors, the board concluded that the benefit to the Applicant from granting the variance outweighed any detriment to the health, safety and welfare of the neighborhood or community. The Board also found that granting the variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, that the benefit sought by Applicant could not feasibly be achieved by any method other than a variance. The Board further concluded that the requested variances would not adversely affect the physical or environmental conditions of the neighborhood or district and that the hardship necessitating the request for the variances, while self-created, did not for that reason alone outweigh the factors favoring the variances.

There was no opposition to the application.

The Chairman then moved that a vote be taken on the application. The motion was seconded and thereafter the Board voted on the Applicant's request for a variance. The Board voted unanimously to grant the request for a variance.

The Applicants appeared with their architect Christina Griffin.

The Applicants filed a letter from the Village Administrator confirming that, on April 21, 2003, the Mayor and the Trustees approved the Applicants' request for a waiver from the Interim Development Law of the Village of Irvington 2003 (building moratorium) so as to permit the within application for a variance to be heard.

The Applicants sought variances from the provisions of §§ 224-11 (set backs), 224-13 (coverage) and 224-89A (non-conforming lots) of the Code, to permit the construction of a kitchen addition, a front porch extension and two bedrooms to be built on top of the garage of the Applicant's house.

The Board reviewed drawings submitted by the Applicants and noted that the existing structures already exceed the allowable coverage and intruded into the required set backs. The proposed additions consist of a second story over the existing garage, a two-story connection between the house and garage, an extension to the rear of the house to replace an existing deck and a new front porch. The Board noted that the latter three additions increase the coverage excess, but are, in the case of the new porch and rear deck, relatively modest. The Board found that the connection between the house and garage, which also increases coverage, is nevertheless a unique configuration that is necessary to integrate the new second story above the garage with the house and inconspicuously creates a harmonious structure, as opposed to enlarging the house beyond its present boundaries. Finally, the Board noted that the set back intrusions do not materially increase the existing intrusions and, in any event, do not depart from the

character of the neighborhood, Cedar Ridge, that is largely composed of non-conforming lots and structures built within the required set backs.

After weighing the applicable factors, the board concluded that the benefit to the Applicants from granting the variance outweighed any detriment to the health, safety and welfare of the neighborhood or community. The Board also found that granting the variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, that the benefit sought by Applicants could not feasibly be achieved by any method other than a variance. The Board further concluded that the requested variances would not adversely affect the physical or environmental conditions of the neighborhood or district and that the hardship necessitating the request for the variances, while self-created, did not for that reason alone outweigh the factors favoring the variances.

There was no opposition to the application.

The Chairman then moved that a vote be taken on the application. Mr. Clark abstained from voting on the application. The motion was seconded and thereafter the remaining members of the Board voted on the Applicant's request for a variance. The remaining members of the Board voted unanimously to grant the request for the variances.

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2003-17 Michael Morley – 20 North Dutcher Street (Sheet 5, Block 209; Lot 28)

The Applicant appeared with by his attorney Richard Blancato. Mr. Bronnes recused himself as an affected property owner.

The Applicants filed a letter from the Village Administrator confirming that, on April 15, 2003, the Mayor and the Trustees approved the Applicants' request for a waiver from the Interim Development Law of the Village of Irvington 2003 (building moratorium) so as to permit the within application for a variance to be heard.

The Applicant sought variances from the provisions of §§ 224-11 (set backs), 224-13 (coverage) and 224-89A (non-conforming lots) of the Code to permit the continuation and legalization of an existing deck to the rear of the Applicant's house.

The Board reviewed drawings and photographs submitted by the Applicant and noted that the deck exceeds the allowable coverage by 12.5%. The Board noted, however, that since the deck is low to the ground, it does not create an increase in the noticeable bulk of the structures covering the lot. The deck's intrusions into the required set backs are not insubstantial, but such intrusions are endemic to the entire neighborhood, all of which consists of nonconforming lots and structures that are built within the allowable setbacks. Thus, the Board concluded, the approval of the deck does not adversely affect the character of the neighborhood.

After weighing the applicable factors, the board concluded that the benefit to the Applicants from granting the variance outweighed any detriment to the health, safety and welfare of the neighborhood or community. The Board also found that granting the variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, that the benefit sought by Applicants could not feasibly be achieved by any method other than a variance. The Board further concluded that the requested variances would not adversely affect the physical or environmental conditions of the neighborhood or district and that the hardship necessitating the request

for the variances, while self-created, did not for that reason alone outweigh the factors favoring the variances.

There was no opposition to the application.

The Chairman then moved that a vote be taken on the application. Mr. Clark abstained from voting on the application, along with Mr. Bronnes, who recused himself. The motion was seconded and thereafter the remaining members of the Board voted on the Applicant's request for a variance. The remaining members of the Board voted unanimously to grant the request for the variances.

There being no further business, the meeting was, upon motion duly made and seconded, unanimously adjourned.

/s/ Paul M. Giddins
Paul M. Giddins